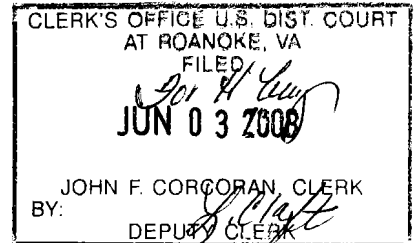


**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**



**DAVID P. SHADWELL,**

**Plaintiff,**

**v.**

**TIM KAINE, ET AL.**

**Defendants.**

**Civil Action No. 5:08-cv-00041**

**MEMORANDUM OPINION**

**By: Samuel G. Wilson  
United States District Judge**

Pro se plaintiff, David P. Shadwell, applied to proceed in forma pauperis in this court and filed an action against Governor Tim Kaine and various Virginia public officials claiming that Virginia took actions against Shadwell to collect child support which were illegal and unconstitutional. The court grants Shadwell in forma pauperis status but finds that his claims are legally frivolous and dismisses the action sua sponte for failure to state a claim on which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2)(B) (2000).

**I.**

Shadwell brings a fourteen-count complaint against the governor and attorney general of Virginia, three judges, and eight directors and employees of the Virginia Department of Child Support Enforcement, among others. Shadwell alleges, among other things, “a concerted, co-operative [sic] effort by the Commonwealth of Virginia and it’s [sic] Public Officials to reign [sic] in its citizens, deny them their civil rights and liberties, and to create state-owned slaves whose labors generate income for the benefit of the state, under the guise of ‘a child’s best interest’.” Shadwell’s claims distill to this: Virginia wrongly holds Shadwell responsible for

paying child support and has illegally and unconstitutionally prosecuted him, incarcerated him, and collected from him for non-payment.

## **II.**

A district court has the authority to dismiss, sua sponte, an in forma pauperis claim at any time if that action fails to state a claim on which relief may be granted. § 1915 (e)(2)(B). Here, Shadwell presents no factual or legal basis to show that Virginia's routine collection of child support was illegal, unconstitutional, or grounds for a non-frivolous suit. Accordingly, the court finds that Shadwell's complaint raises no claims on which relief can be granted and dismisses the complaint.

## **III.**

For the reasons stated herein, the court dismisses Shadwell's claims without prejudice.

**ENTER:** This 3rd day of June, 2008.



UNITED STATES DISTRICT JUDGE